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Future work of the Permanent Forum, including issues of the Economic and Social Council and emerging issues

Implementation of the recommendations of the Permanent Forum

Report of the secretariat**

Summary

At its tenth session, the Permanent Forum requested its secretariat to prepare a report on the implementation of the recommendations of the Forum, to be submitted to the Forum at its eleventh session, in 2012. Pursuant to that request, the present report analyses the challenges and associated issues confronted by United Nations organizations and funds, Member States and indigenous peoples' organizations.

As of 31 January 2012, the Database contained 894 recommendations made by the Permanent Forum, between its first and ninth sessions, to Member States, entities of the United Nations system, international financial institutions, intergovernmental organizations, the private sector, civil society and indigenous peoples' organizations. This report provides both an analysis of the recommendations contained in the Database which can assist the members of the Forum in monitoring the implementation of its recommendations; and recommendations for improving the Database, the reporting system on the implementation of recommendations, and the monitoring system through the elaboration of indicators that allow for more efficient information management.

* E/C.19/2012/1.

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I. Introduction

1. The present report seeks to provide an analysis of the implementation of the recommendations of the Permanent Forum on Indigenous Issues, based on previous reports, including those prepared for the fifth and sixth sessions of the Forum (E/C.19/2006/9 and E/C.19/2007/5), as well as on information contained in the Database prepared by the secretariat of the Permanent Forum (http://esa.un.org/dspdEsa/unpfiidata/UNPFII Recommendations Database list.asp). Additionally, this report draws on other reports received from Governments, United Nations organizations and other intergovernmental bodies, non-governmental organizations and indigenous peoples' organizations.

2. The ultimate purpose of the report is to assist the Permanent Forum in monitoring the implementation of its recommendations as well as to raise awareness of the outcomes and results of implementation. Between its first and tenth sessions, the Permanent Forum made more than 930 recommendations to Member States, entities of the United Nations system, international financial institutions, intergovernmental organizations, the private sector, the media, civil society and indigenous peoples' organizations.

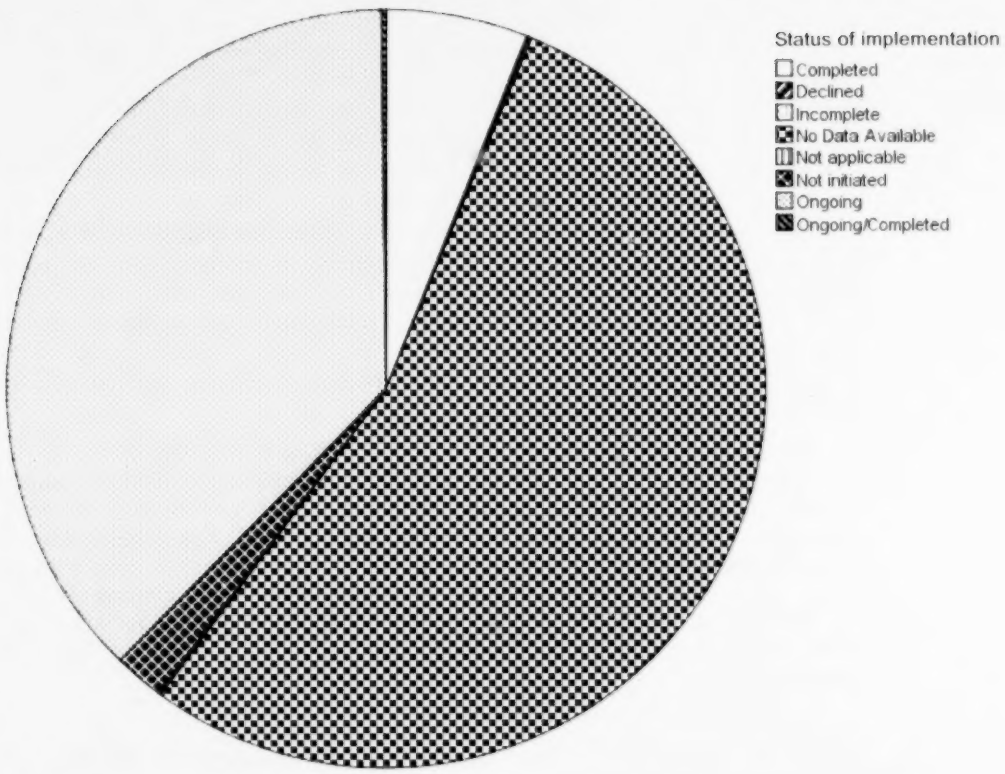
3. Following a recommendation made by the Permanent Forum at its second session (see E/2003/43, chap. I, para. 131), the secretariat of the Forum created a database of all recommendations made by Forum members during sessions of the Forum. The Permanent Forum Recommendations Database is available online and provides a monitoring mechanism based on annual reports received from Member States and the entities of the United Nations system. It is updated annually, following receipt by the Forum secretariat of reports from organizations and Governments prepared in response to follow-up questionnaires. As of January 2012, the last update was completed in March 2011.

II. Status of implementation of the recommendations of the Permanent Forum

4. The Database provides information regarding the status of implementation of recommendations,[1] which is based on the reports submitted by Governments and United Nations organizations. Out of the 894 recommendations listed in the Database, 411, or 46.2 per cent, have a status of implementation defined as "ongoing" (see figure I).

[1] In the Database, the status of implementation in any given area of work may be classified as (a) ongoing; (b) completed; (c) ongoing/completed; (d) not applicable; (e) not initiated; (f) incomplete; or (g) declined. Fifty-four per cent of the fields in the status-of-implementation column have been left blank, reflecting the fact that there are many recommendations whose status of implementation does not fall within any of the aforementioned defined categories. For the purpose of the present analysis, a blank field signifies that there are no data available.

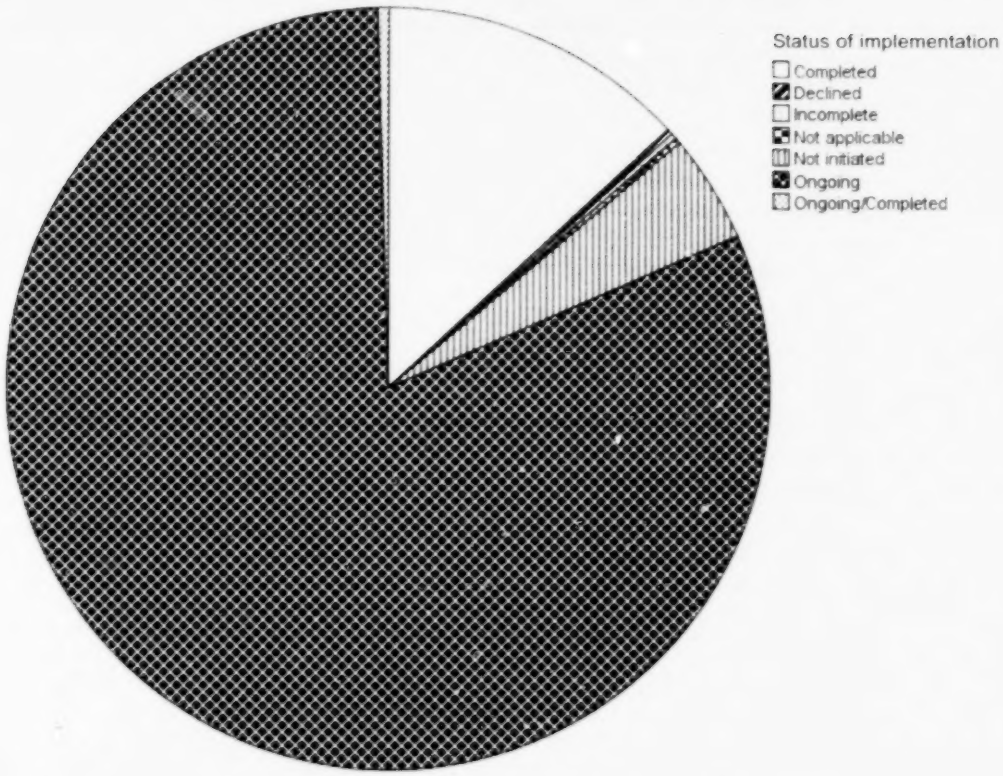
Figure I
Status of implementation



5. Only 2.4 per cent of the recommendations addressed in the reports had a non-implementation status (see figure I). Requesting all States to submit information on measures taken for each recommendation and placing more emphasis on the difficulties encountered by each of them would allow for more accurate monitoring of recommendations, as well as for elaboration of possible alternative steps towards overcoming those difficulties.

6. Figure II indicates the status of implementation of the 411 recommendations for which data were entered.

Figure II
Status of implementation: classified cases



7. For a total of 391 recommendations in the Database the status of implementation has been tagged as ongoing, completed or ongoing/completed. This means that, of those recommendations with a specific status of implementation, the status of only 5.4 per cent has been classified as declined, incomplete, not applicable or not initiated. Almost 95 per cent of those recommendations that have been tagged with a status of implementation are, being, or have been, implemented.

8. According to figure I, there are no data available for more than half of the recommendations. However, a thorough analysis indicates that, in 93 cases, there is reported information on the recommendation but none on the status of implementation. These 93 cases encompass 10 per cent of the Permanent Forum's 894 recommendations. In short, there are an additional 10 per cent of recommendations in the Database that contain reported information that is not recorded under the status of implementation. Therefore, while there is information regarding the status of implementation for 46 per cent of Database recommendations, a more in-depth analysis indicates that there is further information on the status of implementation. When this further information is taken into account, the coverage of the Database entries increases to 56 per cent (504 recommendations).

9. In addition to the status-of-implementation field, the Database contains a variable listing all of those cases in which a particular recommendation has been addressed in a report. This variable is the source for determining the status of implementation. In 500 cases (56 per cent), the Database contains information either on the status of implementation or on its mention in the report. Data concerning such mentions should be reviewed so that the status-of-implementation field can be completed in those cases where it remains empty despite the availability of relevant information.

10. Table 1 shows the prevalence of recommendations that contain information on their status of implementation and/or whose status has been mentioned in a report and the prevalence of recommendations whose status-of-implementation field is blank owing to a complete absence of all information. There is a complete lack of information for 44 per cent of Database entries.

Table 1
Information on status of implementation

	Prevalence	*Percentage*
Information on status/report mention	500	55.9
No data available	394	44.1
Total	**894**	**100.0**

11. In order for the recommendations to be monitored more efficiently, there is a need for a revision and update in respect of the status of implementation. It would also be advisable to include a variable in the Database that enables identification of those recommendations that have been mentioned in reports and those that have not been. Similarly, it would be important to update information on the status of implementation and information provided in reports on a regular basis, particularly recommendations made in previous sessions, many of which are implemented only after some time has elapsed. In many cases, the status of implementation of recommendations that have been implemented is still given in the Database as "no data available" (blank field) or as "not initiated", since this was the status at the moment of the first data entry. For example, case 162 refers to a recommendation made by the Permanent Forum at its second session ("The Forum recommends that the special theme of its third session be 'Indigenous women'.") whose status of implementation has not been reported to date.

12. Furthermore, the analysis indicates that, in most cases, when the Database contains the abstract of a report concerning a particular recommendation, it is because the recommendation is undergoing implementation. Since reports are the main source of information for determining the status of implementation of recommendations, it is of the utmost importance that reports from as many States as possible be received. It is also recommended that reports from United Nations organizations be elaborated by United Nations Country Teams so as to indicate the initiatives and joint programmes implemented. This could facilitate the gathering of data and the follow-up of the recommendations by country.

13. Previous reports have analysed the status of implementation of Permanent Forum recommendations. Among its most important observations made in the report

submitted to the Forum at its sixth session (E/C.19/2007/5) was that most recommendations that could be clustered under the rubric "Information and knowledge generation, management and dissemination" had been implemented, mainly because they were funded through the regular budget (see E/C.19/2006/9, para. 14). This appears to be the case to date.

14. Report E/C.19/2007/5 also observed that, while some of the recommendations on enhancing indigenous peoples' participation in intergovernmental and governmental processes were being implemented, those recommendations that required short- and medium-term time frames were easier to implement (see para. 13). Examples given in this regard were the numerous and increasing invitations extended to Permanent Forum members to visit various United Nations bodies and the financial support provided by the International Fund for Agricultural Development (IFAD) for the two regional conferences on indigenous women. The trend appears to be continuing with regard to enhanced participation of indigenous peoples in intergovernmental processes. As for the time frames, this information is available only in very few cases in the Database.[2] Therefore, it is not possible to truly assess whether the observed trend has indeed continued. The challenge is to improve and regularly update the Database so that information concerning the time frame of all recommendations is available.

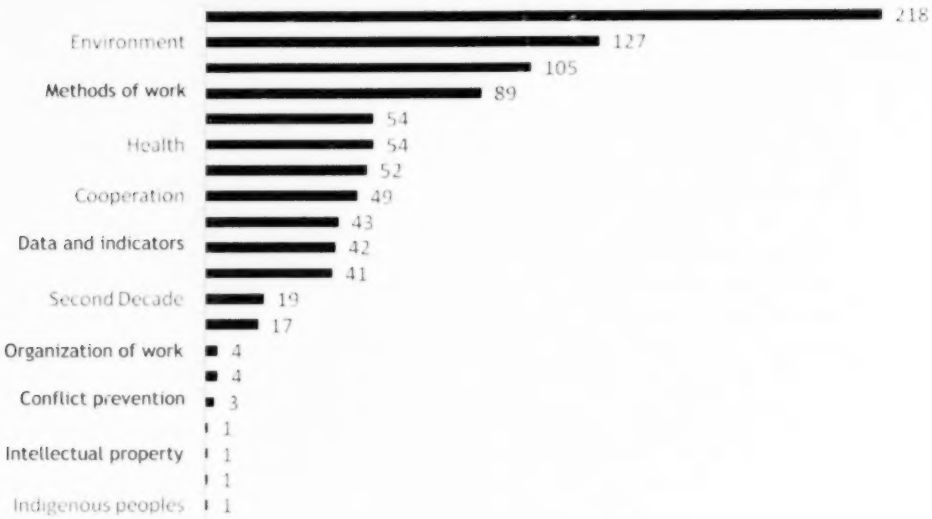
III. Main categories addressed in the recommendations

15. In the Database, all of the Permanent Forum's recommendations have been defined in the context of one or more areas of work. The Forum secretariat established 20 categories, based on the Forum's six mandated areas, on cross-cutting issues (such as indigenous women, youth and children, and data and indicators, among others) and on several areas of work relevant to the Forum's activities. The 20 areas of work set out in the Database are: conflict prevention, cooperation, culture, data and indicators, economic and social development, education, environment, health, human rights, indigenous children and youth, indigenous languages, indigenous peoples, indigenous women, indigenous youth, intellectual property, the Millennium Development Goals, methods of work, Millennium Development Goal 1, organization of work and the Second International Decade of the World's Indigenous People. The categories of human rights, environment and economic and social development make up to 49 per cent of the areas of work set out in the Forum's Recommendations Database.

16. Human rights and environment are the area-of-work categories most frequently listed for the 894 recommendations. Moreover, these two categories are more frequently listed for those recommendations that have been implemented. For the implemented recommendations, the most frequently listed area-of-work categories are: human rights, environment, economic and social development, methods of work, indigenous women, data and indicators, cooperation, Millennium Development Goals and health (figure III).

[2] Information on the time frames is detailed under the variable "Priority". Only 11 cases (2 per cent) have been tagged as either medium- or short-term.

Figure III
Prevalence of various categories of area of work



IV. Facilitating factors

17. Previous reports have highlighted a number of facilitating factors for implementation of recommendations. The most relevant factor is the role played by the secretariat of the Permanent Forum in providing United Nations bodies with the reports of the sessions and recommendations that are specifically addressed to each body. Also, there is the fact that a number of indigenous leaders or non-indigenous advocates, whether they are members of the Forum or not, work closely with some United Nations bodies which have engaged them to provide advice and support in implementing recommendations. Furthermore, indigenous organizations and leaders play an important role at the national level in engaging their Governments and United Nations organizations to advocate for the implementation of Forum recommendations (see E/C.19/2006/9 and E/C.19/2007/5).

18. In order to monitor recommendations and assess facilitating factors for their implementation, the development of a set of indicators[3] focused on the attributes of the recommendations is proposed. These indicators could provide guidance on policy, enable measurement and monitoring of progress, and stimulate regular and systematic data collection. The Office of the United Nations High Commissioner for Human Rights has proposed a helpful typology within the context of human rights indicators, which was adopted in its report to the Economic and Social Council at its substantive session of 2011 (E/2011/90).

19. A key concern in proposing such a configuration of indicators is to bring to the fore an assessment both of steps taken by United Nations system and States parties

[3] An indicator is "an item of data that summarizes a large amount of information in a single figure, in such a way as to give an indication of change over time" (see A/HRC/7/6, para. 26).

in addressing their obligations extending from intent to efforts, and of the outcomes of those efforts (see HRI/MC/2006/3). For this reason, the 894 Permanent Forum recommendations have been classified in accordance with this typology therein.[4] A recommendation has been labelled according to the main purpose of change outlined in the recommendation. Further indicators could in fact be developed to monitor implementation. In this regard:

(a) Structural recommendations call upon the ratification/adoption of legal instruments and establishment or strengthening of basic institutional mechanisms necessary for the realization of indigenous peoples' rights:

Example: recommendation 278, made during the fourth session of the Permanent Forum: "The Forum calls upon all those Members States which have not yet done so to consider without delay ratifying the International Convention on the Elimination of All Forms of Racial Discrimination and International Labour Organization Convention No. 169";

(b) Process recommendations refer to policy instruments, programmes and specific intervention actions taken by States, United Nations bodies and other relevant entities to protect and fulfil indigenous peoples' rights:

Example: recommendation 724, made at the eighth session of the Forum: "The Permanent Forum urges States, with the effective participation of indigenous peoples, to address the concomitant loss of community citizenship and human rights when indigenous peoples are forced to migrate or are displaced by violent conflicts, with a particular emphasis on indigenous women";

(c) Outcome recommendations, directly or by proxy measures, document the realization of indigenous peoples' rights:

Example: recommendation 284, made at the fourth session of the Forum: "The Forum recommends that United Nations country offices make the effort to disseminate their activities in publications in indigenous languages".

20. As indicated in table 2, there is a higher prevalence of process recommendations, which make up to 66 per cent of Permanent Forum recommendations.

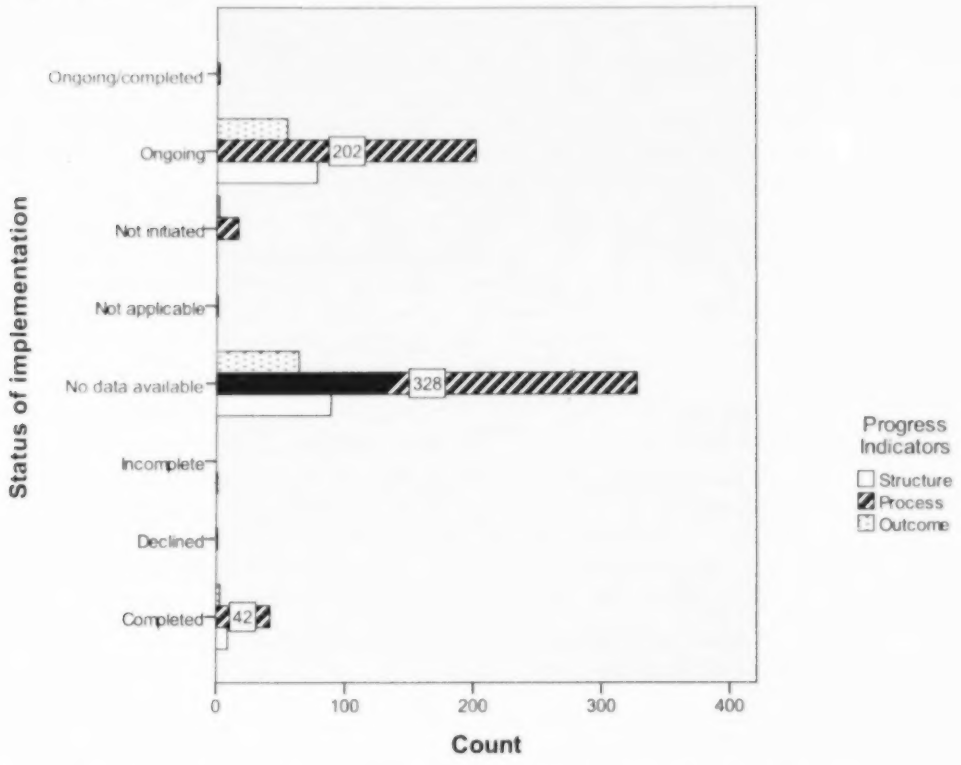
Table 2
Types of recommendations

	Prevalence	*Percentage*
Structure	177	19.8
Process	593	66.3
Outcome	124	13.9
Total	**894**	**100.0**

[4] Structural indicators reflect the ratification/adoption of legal instruments and existence of basic institutional mechanisms necessary for the realization of human rights. Process indicators refer to policy instruments, programmes and specific intervention actions taken by States and individuals to protect and fulfil rights. Outcome indicators, directly or by proxy measures, document the realization of rights.

Figure IV

Purpose of recommendations by status of implementation



21. Figure IV indicates the prevalence of recommendations aimed at process changes regardless of their status of implementation. However, among recommendations labelled "ongoing", process recommendations constitute 34 per cent of the total number recommendations, while structural and outcome recommendations constitute about 44 per cent of the total. There are a greater proportion of structural and outcome recommendations than of process recommendations. However, it is not possible to draw conclusions regarding whether one type is more conducive to facilitation of implementation than the others, since to date there is a lack information on the status of implementation for more than half of the recommendations. Once the Database has been updated, it may be possible to find more reliable indicators.

22. Another crucial factor for assessing implementation is the number of reports submitted by States. As stressed above, the main source of information for determining implementation of recommendations are the reports submitted by States and United Nations organizations. As tables 3 and 4 indicate, there has been increasing progress in collecting information as the Forum sessions have advanced over the years, thereby facilitating the monitoring process.

Table 3
Number of reports submitted by Governments

	Session										
Country or country group	*First*	*Second*	*Third*	*Fourth*	*Fifth*	*Sixth*	*Seventh*	*Eighth*	*Ninth*	*Tenth*	***Total***
Argentina					1						**1**
Australia		1				1					**2**
Bolivia (Plurinational State of)							1	1	1		**3**
Botswana									1	1	**2**
Burkina Faso									1	1	**2**
Burundi								1			**1**
Cambodia									1		**1**
Canada			1	1							**2**
Chile									1		**1**
China									1		**1**
Colombia			1				1	1	1		**4**
Congo								1			**1**
Denmark					1			1	1		**3**
Ecuador		1					1		1	1	**4**
El Salvador										1	**1**
European Union										1	**1**
Finland		1	1	1					1	1	**5**
Germany									1		**1**
Guatemala				1					1		**2**
Guyana										1	**1**
Honduras								1			**1**
Mexico		1		1	1		1	1	1		**6**
Namibia								1	1		**2**
New Zealand			1								**1**
Nicaragua								1			**1**
Niger										1	**1**
Norway			1	1					1	1	**4**
Paraguay									1	1	**2**
Peru							1			1	**2**
Russian Federation		1	1			1	1	1		1	**6**
Spain						1	1	1	1	1	**5**
Sweden		1									**1**
Switzerland					1	1				1	**3**
United Republic of Tanzania								1			**1**
United States of America										1	**1**
Venezuela (Bolivarian Republic of)							1		1		**2**
Total	**0**	**6**	**6**	**5**	**4**	**4**	**8**	**12**	**18**	**15**	**78**

Table 4
Status of implementation of recommendations, by session

Session number and percentage	*Status of implementation*								
	Completed	*Declined*	*Incomplete*	*No data available*	*Not applicable*	*Not initiated*	*Ongoing*	*Ongoing, completed*	*Total*
Second number	0	0	0	120	0	0	12	0	**132**
Within session (%)	0	0	0	90.9	0	0	9.1	0	**100.0**
Within status of implementation (%)	0	0	0	24.9	0	0	3.6	0	**14.8**
Third number	4	0	0	44	1	4	51	0	**104**
Within session (%)	3.8	0	0	42.3	1.0	3.8	49.0	0	**100.0**
Within status of implementation (%)	7.4	0	0	9.1	100.0	21.1	15.2	0	**11.6**
Fourth number	9	0	0	71	0	1	46	0	**127**
Within session (%)	7.1	0	0	55.9	0	0.8	36.2	0	**100.0**
Within status of implementation (%)	16.7	0	0	14.8	0	5.3	13.7	0	**14.2**
Fifth number	10	1	1	28	0	1	48	0	**89**
Within session (%)	11.2	1.1	1.1	31.5	0	1.1	53.9	0	**100.0**
Within status of implementation (%)	18.5	100.0	100.0	5.8	0	5.3	14.3	0	**10.0**
Sixth number	12	0	0	36	0	10	51	2	**111**
Within session (%)	10.8	0	0	32.4	0	9.0	45.9	1.8	**100.0**
Within status of implementation (%)	22.2	0	0	7.5	0	52.6	15.2	100.0	**12.4**
Seventh number	6	0	0	38	0	3	73	0	**120**
Within session (%)	5.0	0	0	31.7	0	2.5	60.8	0	**100.0**
Within status of implementation (%)	11.1	0	0	7.9	0	15.8	21.8	0	**13.4**
Eighth number	12	0	0	47	0	0	46	0	**105**
Within session (%)	11.4	0	0	44.8	0	0	43.8	0	**100.0**
Within status of implementation (%)	22.2	0	0	9.8	0	0	13.7	0	**11.7**
Ninth number	1	0	0	97	0	0	8	0	**106**
Within session (%)	0.9	0	0	91.5	0	0	7.5	0	**100.0**
Within status of implementation (%)	1.9	0	0	20.2	0	0	2.4	0	**11.9**
Total number	**54**	**1**	**1**	**481**	**1**	**19**	**335**	**2**	**894**
Within session (%)	**6.0**	**0.1**	**0.1**	**53.8**	**0.1**	**2.1**	**37.5**	**0.2**	**100.0**
Within status of implementation (%)	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**

23. Table 4 indicates those sessions in which there has been a greater number of submissions of reports by States. It is more probable that the statuses "complete"

and "ongoing" will appear in greater proportion. Likewise, the proportion of recommendations without available data had been higher in the first sessions, after which fewer reports were submitted. There is a decrease in the number of recommendations without available information as the number of submissions increases. The decrease in "ongoing" recommendations in the eighth and ninth session seems to reflect a lack of data entries in the Database in the status-of-implementation field.

24. The Permanent Forum could encourage the States and United Nations organizations to continue informing on their follow-up to Forum recommendations. This would facilitate a better follow-up to recommendations, as well as to the difficulties encountered and best practices developed during the implementation process. Furthermore, submission by all Governments would allow for an analysis of regional tendencies which has not been possible in the past. Finding new methods to periodically gather relevant quantitative and qualitative information from Governments and the United Nations system represents a major challenge.

25. A possible strategy could be to encourage United Nations organizations to report at the country and regional levels. This would enable more detailed and field-focused data and therefore better knowledge on how Permanent Forum recommendations impact the lives of indigenous peoples on the ground. United Nations organizations are increasingly making efforts in the field to address indigenous issues through inter-agency initiatives. In this respect, there have been successful experiences in Bolivia (Plurinational State of), Ecuador and Nicaragua, which have shown progress in the creation of mechanisms for dialogue and consultation with indigenous peoples.

26. As observed in previous Permanent Forum reports, the choice of special themes for the session is crucial. Special themes and special half-day discussions play a key role in highlighting particular issues or regions, creating an impetus for the implementation of relevant recommendations. The choice of starting with the most vulnerable sectors among indigenous peoples in the earlier sessions of the Permanent Forum provided the right signal to all actors, Governments, the United Nations system and indigenous peoples. The recommendations that emerged from these processes were aligned with the priorities of those actors (see E/C.19/2007/5).

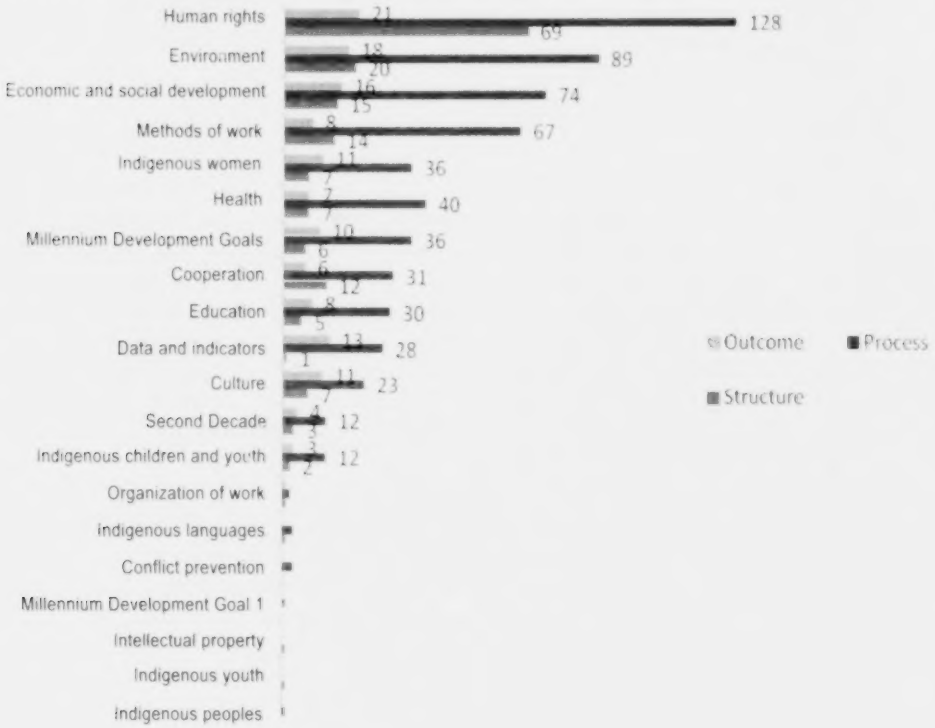
27. Contact with United Nations organizations, such as through official visits by Permanent Forum members, formal and informal discussions during the sessions, and exchanges during meetings and workshops, can help the Forum develop a clear idea of what is feasible for United Nations organizations and what recommendations can facilitate their work on indigenous peoples' issues.

28. Finally, precision regarding the areas of work, the addressees, the measures to be undertaken and the type of indicator involved has proved to be a facilitating factor for the implementation of recommendations. One example in this regard is the addressing of recommendations as specifically as possible to United Nations organizations, rather than more generically to "development actors" or the United Nations system. This has proved to be a significant positive factor in respect of not only facilitating implementation, but also monitoring and reporting on the recommendations.

V. Descriptive analysis of implemented recommendations

29. As previously mentioned, among implemented and ongoing recommendations, process recommendations are the highest in prevalence. Figure V exhibits the prevalence of each area of work for each type of recommendation.

Figure V
Area of work by type of recommendation



30. For every area of work, recommendations aiming at process changes are higher in frequency. Process recommendations make up 66 per cent of the Database recommendations. Given the nature of process recommendations, their outcomes can be analysed and measured only in the medium and long terms. Therefore, there is a need to develop a set of indicators to assess progress made within and during the process foreseen by this type of recommendation.

VI. Barriers to the implementation of the recommendations of the Permanent Forum

31. Through individual analysis of each recommendation, several patterns can be identified among those recommendations listed in the Database that have not been addressed nor mentioned in submitted reports, resulting in blank fields in the Database. First, in a number of cases, recommendations often refer directly to

recommendations made in previous sessions of the Permanent Forum without mentioning any aspects of those recommendations, such as the addressees or the area(s) of work, among other details, as reflected in the following example: "The Forum reiterates its recommendations made at its second session, in particular those contained in chapter I, section B, paragraphs 83 to 94 of the report."[5] This often makes it difficult for the person charged with production of a report to have in mind the area of work or the addressee or what the recommendation involves; therefore, no reference to the recommendation is made in that report. Consequently, there are less opportunities to monitor the status of implementation.

32. Along the same lines, there are several recommendations that do not express in a precise manner the action they aim to address. For instance, many recommendations state a specific need, as in the following recommendation: "States should recognize the rights of indigenous peoples to food and nutritional security and the sustainable production and consumption of healthy and nutritious foods by using appropriate sustainable technology. There is a particular need to ensure that indigenous peoples who depend on marine and terrestrial resources be supported in protecting and ensuring their rights to and sustainable use of those resources" (E/2005/43 and Corr.1 and 2, para. 23). It would be useful to include possible measures to address and overcome the difficulty.

33. Also, for those recommendations that involve many issues, there tends to be no available data in the Database. A good example in this regard is recommendation 267, which states:

> The Forum recognizes that: (a) the right to education is a key instrument for achieving equitable development and respect for cultural diversity. Education is an investment in the future, a means to reduce poverty and counter discrimination; (b) indigenous peoples have the right, including treaty rights (as relevant) to quality primary education that is sensitive to their holistic worldviews, languages, traditional knowledge and other aspects of their cultures, which contribute to human dignity, identity and intercultural dialogue; (c) mother-tongue mediated bilingual education is indispensable for effective learning for indigenous children and for the reduction of dropout rates; (d) any efforts to achieve Millennium Development Goal 2 are likely to fail if impartial and effective implementation of culturally sensitive educational programmes, curricula and actions addressing the needs of indigenous peoples are not undertaken; (e) indigenous children experience particular difficulties relating to access to education of quality and sociocultural relevance at all levels. Obstacles are numerous and complex and include, among others, distance to schools, differences in lifestyles, for example, nomadic and semi-nomadic communities, discrimination, violence, extreme poverty and exclusion; (f) education can be one of the most important tools for combating prejudice and discrimination. National curricula frequently ignore the cultures, treaties, histories and spiritual values of indigenous peoples and reinforce stereotypes; (g) in many cases, current criteria to measure the achievement of Goal 2 regarding indigenous education are absent or are based on insufficient indicators which do not reflect indigenous educational specificities and are culturally inappropriate and insensitive.

[5] See case No. 33, third session.

34. In some instances, recommendations are too broad and general in nature. It would be useful to shorten them and to ensure that there are more precise references to the specific measures each recommendation is proposing, as well as to the type of indicators with which they are associated. This will make it easier to monitor and build better indicators in the context of the implementation of Permanent Forum recommendations.

35. Another pattern observed is that many listed recommendations are informative. The following recommendation provides one example: "The Forum notes with satisfaction the recent activation of the Trust Fund for the support of the Forum, expresses its deep appreciation and thanks to all those who contributed to it and calls upon Governments, foundations and intergovernmental and non-governmental organizations to give generously to the Fund."[6]

36. As previously stated, it is of the utmost importance that the Database be updated on a regular basis, following a standardized criterion so as to better assess the real challenges that implementation involves. It is also suggested that new variables be used in the context of recording the date of the last update. In this spirit, working in collaboration and partnership with the United Nations Statistics Division would help advance data collection and analysis.[7] It should also be noted that initiation of recommendations aimed at structural change may take considerable time. Other recommendations require substantive preparation and substantive deployment of resources by United Nations bodies or institutions and their implementation has therefore taken more time.

37. Some recommendations may seem to be repetitive, but the need for repetition can be analysed and understood at two levels. On the one hand, recommendations on principles such as equality, non-discrimination and the call for the wider ratification of international human rights standards to protect indigenous peoples' human rights must be reiterated. On the other hand, repetition demonstrates the status of non-implementation of earlier recommendations, and in these cases, the Permanent Forum has decided to reiterate recommendations with a view to stressing their importance and relevance (see E/C.19/2007/5).[7]

38. The lack of capacity to implement the recommendations on the part of some bodies is another constraint. Most often, the focal points on indigenous peoples' issues have numerous other competing responsibilities. As a result, they are not in a position to adequately promote the implementation of recommendations addressed to their institutions.

39. As pointed out, the main source of information for determining recommendations' status of implementation in the Database are reports submitted by Governments, United Nations bodies and other intergovernmental bodies, non-governmental organizations and indigenous peoples' organizations. Consequently, the status of implementation of a recommendation may be labelled — and thus, considered — "ongoing" owing to its mention in one country's report. It may also

[6] See case No. 54, third session.

[7] Work in partnership with the United Nations Statistics Division has been a crucial partner in terms of data collection and disaggregation. Through its Demographic and Social Statistics Branch, the Division has included indigenous peoples' issues in the Principles and Recommendations for Population and Housing Censuses, Revision 2. Another important initiative is the development of a website to disseminate data on ethnocultural characteristics and other information relevant to statistics on indigenous people (see E/C.19/2009/7, para. 51).

happen that the status of the implementation of a recommendation remains blank, owing only to the non-submission of reports by the countries addressed. For this reason, it must be reiterated that monitoring the implementation of recommendations at the country and regional levels is crucial.

40. A group of recommendations has arisen from the international expert workshops held on specific issues following decisions of the Permanent Forum. Although not all of the recommendations of the workshops have been included by the Forum in its recommendations owing to the length of the recommendations and their volume, it is important to determine how the recommendations from those workshops can be implemented.

41. To date, monitoring the implementation of the recommendations that have arisen from workshops and expert meetings has been difficult mainly for two reasons. On the one hand, recommendations arising from the workshops or expert group meetings may have been made by experts and non-Permanent Forum members. In this case, they are not included as Forum recommendations. As a result, the recommendations appear only in reports of the expert meetings and workshops, not in the Recommendations Database. In some instances, however, several recommendations that arose from expert group meetings or workshops have been highlighted during the Forum sessions. In those cases, the recommendations are added to the Database. To date, there are only six recommendations in the Database arising from an expert group meeting, including recommendation 353, made at the fifth session of the Forum, in which the Forum endorsed the recommendations of the expert group meeting on the nexus between indigenous peoples and migration and requested further inter-agency collaboration on those issues, in particular the creation of a task force to address migration issues within the Inter-Agency Support Group.

42. It is suggested that recommendations from workshops and expert group meetings should be included in questionnaires to States and United Nations bodies so that they may have the opportunity to provide information related to those recommendations in their reports to the Permanent Forum.

43. With regard to the Recommendations Database, it is not possible to assess the difficulties that impede implementation of a recommendation. Qualitative methods for addressing this issue, entailing focus groups or surveys, for example, would allow for the production of more detailed information on implementing recommendations.

44. Drawing on the reviewed 894 recommendations and on previous reports, some conclusions can be reached regarding why some recommendations are harder to implement than others. It is worth recalling that many recommendations involve internal decision-making processes, which take time.

45. In order to strengthen reporting, United Nations bodies and States could (and in many cases in fact do) refer specifically to the recommendations from the Permanent Forum, rather than list the activities that they have implemented on indigenous peoples' issues. This methodology would result in reports that are more analytical. A redesign of the questionnaires may represent a step forward in this direction. In the context of States, the follow-up process is more difficult, inasmuch as it is often the same few States that report on a regular basis, although more States are starting to send reports to the Forum. Those States that have provided reports to the Forum should be commended and encouraged to continue doing so.

Table 5
Ranking of States by total number of reports submitted

Country	*Total number submitted reports*
Mexico	6
Russian Federation	6
Finland	5
Spain	5
Colombia	4
Ecuador	4
Norway	4

46. Even though there has been positive progress in the number of reports submitted by States from one session to another, there are still many countries that do not respond to the Permanent Forum secretariat questionnaires, which makes it very difficult to assess implementation at regional and country levels. United Nations bodies at the country and regional levels could play a key role in overcoming this difficulty.

47. As indicated above, it is difficult in many cases to follow up on recommendations. More States and indigenous peoples' organizations could be encouraged to submit written reports on how they have implemented the recommendations addressed to them, including a description and analysis of facilitating and hindering factors and recommendations on how to address obstacles.

48. Some of the recommendations of the Permanent Forum are understandably very broad in nature, which makes monitoring impossible in some cases. Within this framework, the sheer number of recommendations issued by the Forum makes it difficult for its secretariat, with its limited financial resources and staff, to adequately follow up on their implementation. Drawing on the established variables, new indicators should be developed to enable a better assessment of implementation.

Table 6
Number of recommendations, by Permanent Forum session

Session	*Number*	*Percentage*	*Cumulative percentage*
Second	132	14.8	14.8
Third	104	11.6	26.4
Fourth	127	14.2	40.6
Fifth	89	10.0	50.6
Sixth	111	12.4	63.0
Seventh	120	13.4	76.4
Eighth	105	11.7	88.1
Ninth	106	11.9	100.0
Total	**894**	**100.0**	

49. Bearing in mind the number of United Nations bodies, agencies and Conventions to which States are committed to report, it would be valuable to discuss methods for collecting and sharing information in the context, for example, of the reports of the Special Rapporteur on the rights of indigenous peoples and reports submitted to the Human Rights Council, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. It is worth recalling that States are increasingly informed on indigenous peoples' issues in the aforementioned United Nations contexts.

VII. Impact on the lives of indigenous peoples on the ground

50. Indigenous peoples' organizations are making efforts to monitor the implementation of the Permanent Forum recommendations. In 2009, the International Indigenous Women's Forum conducted a survey to follow up on implementation of recommendations concerning indigenous women, allowing for the development of a series of indicators.

51. In addition, in 2011, a questionnaire was disseminated through the List-Serv of the International Indigenous Women's Forum in order to gather information on the way in which implementation of Permanent Forum recommendations had impacted on the lives of indigenous peoples. To date, there have been no responses to the online survey. Given this lack of response to the survey, it is suggested that a survey be undertaken during the Permanent Forum session, through questionnaires and group discussions, on how its recommendations impact the lives of indigenous peoples. Another possibility is to send an online questionnaire to all the organizations accredited before each session.

52. During the sessions of the Permanent Forum, indigenous peoples' organizations usually provide their evaluation of the implementation status of recommendations from the floor. Unfortunately, these statements are often not systematically processed or analysed. The indigenous caucuses usually submit their recommendations to the Forum's members, who, in turn, try to ensure that they are reflected in the Forum's final recommendations. With a view to fully and effectively engaging indigenous peoples in the implementation of the Forum's recommendations, United Nations bodies, funds and programmes are encouraged to consult indigenous peoples during the session before making their recommendations to the Forum.

53. In terms of furthering the discourse on and practice of holistic self-determined development for indigenous peoples, there should be more dialogue among indigenous peoples and with intergovernmental and governmental bodies. This would enable a further refinement of concepts and the reaching of agreement on how recommendations can be better implemented and monitored.

VIII. Proposal for a monitoring system and follow-up of progress made in the implementation of the recommendations of the Permanent Forum

54. Outlined below is the proposal for a set of indicators to be used by United Nations Country Teams and States in following up on the Permanent Forum recommendations and elaborating reports on the implementation of those recommendations.

55. It is important to recognize that developing a monitoring system and suitable indicators for analysing the status of implementation of recommendations involves great technical complexity. In the first place, the information underpinning this system depends on reports submitted by the States and on the amount and quality of reported data. Additionally, the fact that recommendations vary and increase from session to session indicates the need to monitor these changes over the years.

56. Below is an outline of monitoring and follow-up proposals to be discussed and tested.

Member States

57. With respect to Member States, two instruments for collecting information and monitoring progress made are proposed.

58. An annual questionnaire would be addressed to Member States, containing each of the recommendations from the previous session's report and a table within which to fill in the status of implementation in each State (completed/ongoing/declined/incomplete/not applicable/not initiated). The questionnaire should include a clear definition of the meaning of each category.

Example

	Status of implementation					
Recommendation	*Completed*	*Ongoing*	*Declined*	*Incomplete*	*Not applicable*	*Not initiated*[a]
Paragraph number: 17 **Area of work**: Human rights **Addressees**: Member States **Full text**: The Forum urges those States that have abstained to reverse their positions and endorse the Declaration so as to achieve full consensus						
Paragraph number:						
Area of work:						
Addressees:						
Paragraph number:						
Area of work:						
Addressees:						

[a] Please explain the reasons why the status of implementation of the recommendation has been considered declined, incomplete, not applicable or not initiated.

59. The questionnaire should contain a section within which Member States could include any other relevant information regarding the recommendations made by the Permanent Forum at its last session, as well as regarding the implementation of recommendations made in previous sessions. It would also present the special theme for the forthcoming session.

60. Such an approach would enable information to be obtained on each recommendation. Moreover, through the application of this methodology, Member States would have the opportunity to evaluate implementation status.

61. Even though categories concerning the status of implementation could be examined further, it would prove useful to maintain those used in the Database to date, so as to allow for a comparative analysis. As suggested, it is important to provide standardized definitions for each category in the questionnaire.

62. The second instrument would entail an online survey, supported through an e-survey system, allowing for the analysis of basic progress indicators concerning Permanent Forum recommendations on a general basis. This instrument would also include an analysis of cross-cutting issues. The survey should be conducted every three or four years. It would be preferable for the surveys to coincide in timing with those sessions in which the Forum analyses the status of implementation of recommendations. The e-survey would allow more efficient information management and analysis and would include structural, process and outcome indicators.

63. In addition, each item would refer to an article of the United Nations Declaration on the Rights of Indigenous Peoples, thereby allowing the implementation of the Declaration to be monitored.

64. Example:

A. Structural indicators

1. Inclusion of indigenous peoples' rights in the State's political constitution (article 5)

Yes/no

Please specify:

2. Ratification by the State of the following international treaties (articles 1 and 46.2)

Yes/no. Please indicate date.

(a) Convention on the Elimination of All Forms of Discrimination against Women. Optional Protocol thereto.

(b) Convention on the Rights of the Child.

(c) International Labour Organization Convention No. 169.

(d) International Convention on the Elimination of All Forms of Racial Discrimination.

3. Data disaggregation on indigenous peoples in statistical instruments (article 8)

Yes/no. Please indicate starting date.

(a) National population census.

(b) Housing and household survey.

(c) Vital records.

(d) Other.

4. Existence of disaggregated social expenditure budget for indigenous peoples (article 15)

Yes/no

B. Process indicators

1. Existence of policies and national or regional programmes specifically addressed to indigenous peoples.

Yes/no

Please specify:

2. Existence of national equal opportunities plans for women and men (article 22).

Yes/no

Includes affirmative action measures for indigenous women:

3. Existence and expertise in relation to indigenous peoples in all or some of the following governmental areas (articles 22 and 27)

(a) Bureaux for the advancement of women. Yes/no. Please specify:

(b) Anti-discrimination bureaux. Yes/no. Please specify:

(c) Ombudsman office or similar. Yes/no. Please specify:

(d) Migratory issues bureaux. Yes/no. Please specify:

(e) Refugee issues bureaux. Yes/no. Please specify:

(f) Bureaux for childhood and youth. Yes/no. Please specify:

4. Allegations of the existence of human rights-related discrimination against indigenous peoples received, investigated and resolved by the constitutional jurisdiction or its equivalent and by the relevant institutions (articles 1 and 2).

Yes/no

Please specify:

Please provide statistics if available.

5. Existence of training programmes on indigenous issues for State agents.

Yes/no

Please specify:

6. Inclusion of the situation of indigenous issues in reports relating to:

(a) Convention on the Elimination of All Forms of Discrimination against Women. Yes/no. Please specify:

(b) Convention on the Rights of the Child. Yes/no. Please specify:

(c) International Convention on the Elimination of All Forms of Racial Discrimination. Yes/no. Please specify:

(d) Human Rights Council. Yes/no. Please specify:

(e) Millennium Development Goals. Yes/no. Please specify:

7. Spaces for and levels of indigenous peoples' participation (articles 5 and 18)

Yes/no

Please specify:

8. Consultation processes implemented (articles 10, 11, 15, 17, 19, 30 and 38)

Yes/no

Please specify:

9. Assessments carried out on the main indigenous peoples' issues.

Yes/no

Please specify:

Please provide statistics if available.

10. Programmes and specific affirmative actions for indigenous peoples in the following areas:

(a) Education (articles 14 and 21).

(b) Health (articles 21, 23, 24 and 29).

(c) Justice (article 1).

(d) Employment.

(e) Environment.

(f) Agricultural issues.

11. Existence of a policy for land-titling (articles 8, 10, 26 and 27)

Yes/no

Please specify:

C. Outcome indicators

1. Education gaps between indigenous and non-indigenous people (articles 14 and 21).

2. Health gaps between indigenous and non-indigenous people (articles 21, 23, 24 and 29).

3. Justice gaps between indigenous and non-indigenous people (article 1).

Please specify gender gaps wherever possible.

Additional information

Questions on facilitating and constraining factors

Space for comments

United Nations organizations

65. With respect to United Nations organizations and bodies, the use of two instruments for collecting information and monitoring progress is also proposed.

66. The first proposed instrument is the elaboration of a report submitted every two years by each United Nations Country Team.

67. Example:

1. Describe the programmes being implemented by the United Nations Country Team. Please list the recommendations addressed by each programme and inform on their status of implementation (completed/ongoing/declined/incomplete/not applicable/not initiated).

2. Detailed information by programme should be provided on the following:

How is the right to free, prior and informed consent respected?

Participation and consultation mechanisms implemented or under implementation.

Incorporation of the intercultural and gender perspectives.

Expected and obtained outcomes.

Available statistical and qualitative data.

Lessons learned.

Budgetary allocations.

3. Additional information:

Has the United Nations Country Team implemented staff training processes?

Is the United Nations Country Team informed about the United Nations Development Group Guidelines on Indigenous Peoples' Issues? Have these been implemented? Please give examples.

68. The second instrument entails the development of yearly reports by United Nations organizations at the global level. These reports would consist of brief reviews indicating structural changes in the respective organization. This instrument could be an online survey, thereby allowing for more efficient information management and analysis.

69. Example:

1. Specific recommendations by United Nations organization and status of implementation (completed/ongoing/declined/incomplete/not applicable/not initiated).

2. Special themes to be addressed in the forthcoming session.

3. Each agency should also specify the following:

A policy or other similar tool on indigenous peoples' issues;

Recent global or regional programmes on indigenous peoples' issues;

Budgetary allocations for indigenous peoples' issues;

Focal-point name and contact information;

Please provide a list of conferences and other meetings organized or supported by your agency on indigenous issues for the current year as well as for the next year.

IX. Conclusions and recommendations

Improving the Database

70. Drawing on the analysis of the Permanent Forum Database, there is relevant information for updating the classification on the status of implementation, which would allow for a more precise categorization of 56 per cent of the Database Recommendations. This will enable more accurate monitoring of the recommendations, in respect of good practices and future challenges.

71. It is suggested that a variable be added to the Database, with a view to identifying those recommendations that have been reported in reports and those that have not been. Similarly, it would be important to update the status of implementation and information provided in reports on a more regular basis, particularly in respect of recommendations made in previous sessions.

72. The categories of the areas of work to be considered in the Database should be reviewed every five years, with a view to including new issues. Additionally, it would be useful to harmonize categories in the Database and standardize the definitions for the areas of work in order ensure that data entry and analysis are as precise as possible.

73. Actors involved and addressed in recommendations should be assigned to preset categories for better data entry and analysis.

74. It also is suggested that new variables be used to enable the date of the last update to be recorded. In this spirit, working in collaboration and partnership with the United Nations Statistics Division would help advance data collection and analysis.

Improving the reporting system

75. It is recommended that new methods for periodically gathering relevant quantitative and qualitative information from Governments and the United Nations system be designed.

76. When recommendations address a particular problem or obstacle, it would be useful for possible measures for addressing and overcoming the difficulty be included.

77. Recommendations arising in workshops and expert group meetings should be included in questionnaires to States and United Nations organizations so they have the opportunity to provide information relevant to those recommendations.

78. It is recommended that reports from United Nations organizations be elaborated by United Nations Country Teams every two years, with a view to presenting the initiatives and joint programmes implemented. This could facilitate the gathering of data and the follow-up of recommendations by country.

79. It is suggested that each organization at the global level report yearly on its structural changes. This report would be supplemented by the various United Nations Country Team reports.

80. Each year, Member States should briefly report on the status of implementation of each recommendation. The report could be supplemented by a more comprehensive report every three or four years allowing for the analysis of progress indicators for the implementation of Permanent Forum recommendations.

Improving the monitoring system

81. It would be important to discuss the methods for collecting and sharing information derived, for example, from the reports of the Special Rapporteur on the rights of indigenous peoples and reports submitted to the Human Rights Council, to the Committee on the Elimination of Violence against Women and the Committee on the Rights of the Child.

82. It is recommended that future recommendations be classified in accordance with the typology proposed by the Office of the United Nations High Commissioner for Human Rights (comprising structure, process and results recommendations) to enable indicators that allow for monitoring.

83. It is suggested that an online survey be developed to allow for more efficient management and analysis of information.

84. It is suggested that a survey be conducted during the sessions of the Permanent Forum through distribution of questionnaires and group discussions on how its recommendations impact the lives of indigenous peoples.